

Serial No. 10/045,665

REMARKS

The Office Action dated September 3, 2003 has been received and its contents carefully noted. In response thereto, applicant has cancelled claims 6-9 in an effort to place the application in condition for allowance. Allowance of the application is respectfully requested in view of the foregoing amendments and the following remarks.

**Information Disclosure Statement**

In the Office Action, the Examiner indicates that he has considered the Information Disclosure Statements filed October 23, 2001 and April 10, 2002. It is noted that the copies of the PTO-1449 form provided with the Office Action do not indicate that WO 96/05285 submitted on March 22, 2002 has been considered by the Examiner. Applicant respectfully requests that WO 96/05285 be considered in this application by providing a copy of the PTO-1449 form with the initials of the Examiner thereon. For the convenience of the Examiner, attached hereto as Exhibit A are copies of: (1) March 6, 2002 letter; (2) WO 96/05285; and (3) the PTO-1449 form.

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**Claim Rejections - 35 U.S.C. §§ 102 & 103**

Turning now to the rejections under 35 U.S.C. §§ 102 and 103, claims 6 and 7 have been rejected as being completely shown by Bloom (U.S. Patent No. 3,139,224), Nessel (U.S. Patent No. 2,500,199) and Paisley et al. (U.S. Patent No. 2,100,610). Under Section 103, claim 8 has been rejected on the grounds of obviousness in view of Labonte (U.S. Patent No. 5,301,845) and claim 9 has been rejected on the grounds of obviousness by combining Churchill et al. (U.S. Patent No. 2,605,021) with Paisley et al.

In the Office Action, the Examiner explains in detail how the Bloom, Nessel, Paisley et al., Labonte and Churchill et al. patents are being applied to these claims. In view of the cancellation of claims 6-9, it is believed that the Sections 102 and 103 rejections are now moot and should be withdrawn.

**Allowable Subject Matter**

Applicant appreciates the indication that claims 1-5 contain allowable subject matter. As rejected claims 6-9 have been cancelled, the entire application is believed to be in condition for allowance.

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**Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the remaining claims are allowable and early favorable action is earnestly solicited. The Examiner is invited to call applicant's attorney if any questions remain following review of this response.

Respectfully submitted,

Dated: 10/21/03By 

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**Exhibit A**

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March 6, 2002

\*MA AND NY BAR  
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U.S. Patent and Trademark Office  
Washington, DC 20231Re: U.S. Patent Application SN 10/045,665  
for CELL CULTURE APPARATUS  
Filed: October 23, 2001  
Inventor: Alexander Robert Powell  
Our File No. 511-019-2

Dear Sir:

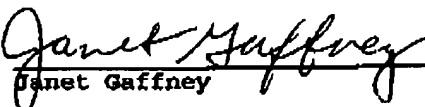
We enclose herewith a copy of WO 96/95285. The EU 0775196 document mentioned on Page 5 of the Information Disclosure Statement filed October 23, 2001 is derived from International Patent Application No. PCT/GB95/01833 which was published as WO 96/05285. There is no separate EP publication. The degree of relevance of the WO 96/05285 (EU 0775196) is mentioned on page 1 of the specification. A new PTO-1449 form listing WO 96/05285 instead of EU 0775196 is provided herewith for the convenience of the examiner.

If there are any questions, please contact the undersigned.

Very truly yours,

KBA/jg  
Enclosure  
K. Bradford Adolphson

I hereby certify that this paper (along with any paper referred to as being attached) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231.

  
Janet Gaffney 3/6/02  
Date

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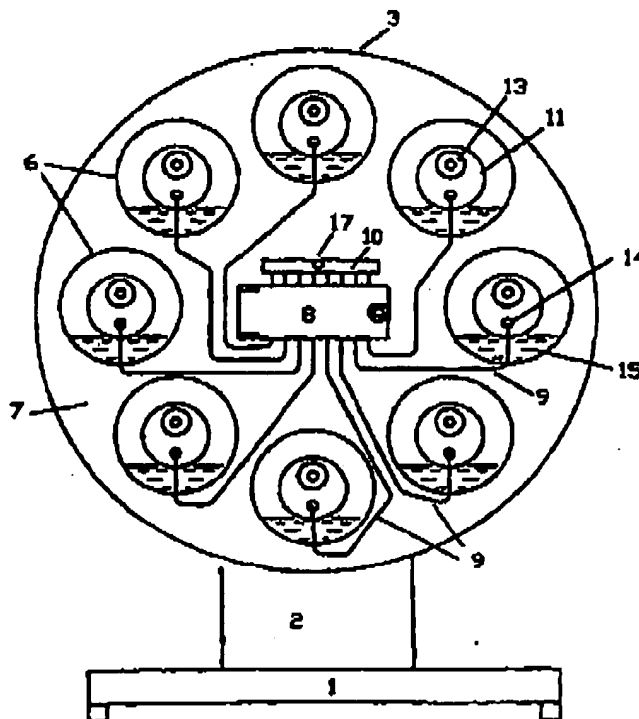
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(51) International Patent Classification 6: <b>C12M 3/04, 3/02</b>	<b>A1</b>	(11) International Publication Number: <b>WO 96/05285</b> (43) International Publication Date: 22 February 1996 (22.02.96)
(21) International Application Number: <b>PCT/GB95/01833</b> (22) International Filing Date: 2 August 1995 (02.08.95)  (30) Priority Data: 9416499.3      16 August 1994 (16.08.94)      GB 9501702.6      28 January 1995 (28.01.95)      GB 9510335.4      23 May 1995 (23.05.95)      GB  (71) Applicant (for all designated States except US): <b>POWELL BIOLOGICAL MACHINES LTD. [GB/GB];</b> Peel House, Peel Road, Skelmersdale, Lancashire WN8 9PT (GB).  (72) Inventors; and (75) Inventors/Applicants (for US only): <b>POWELL, Alexander, Robert [GB/GB];</b> 82 Belmont Street, Southport, Merseyside PR8 1JH (GB). <b>BANKS, Thomas, Owen [GB/GB];</b> 79 Higher Road, Speke, Merseyside L26 1TB (GB).  (74) Common Representative: <b>POWELL, Alexander, Robert, 79 Kew Road, Southport, Merseyside PK8 4HN (GB).</b>	(81) Designated States: <b>US, European patent (AT, BE, CH, DE, DK, ES, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE).</b>  <b>Published</b> <i>With international search report.</i> <i>Before the expiration of the time limit for amending the claims and to be republished in the event of the receipt of amendments.</i>	

(54) Title: **CELL CULTURE APPARATUS**

(57) Abstract

Cell culture apparatus comprises a frame (2), supporting a horizontal axis rotor (3) that houses a plurality of roller bottles (6). Each roller bottle is equipped with a dip tube (14) that communicates with a manifold (10) and a scalable external connection (17) via a multichannel peristaltic pump (8). The arrangement is such that process fluid (15) may be injected into or extracted from all the roller bottles (6) simultaneously via the external connection (17), by operation of the peristaltic pump (8). Each roller bottle (6) is equipped with a microporous air vent (13) to atmosphere to provide pressure equalisation when pumping fluid in or out of the bottle. The entire assembly comprising rotor (3), bottles (6), dip tubes (14), filters (13), pump (8), manifold (10), and external connection (17), may be rotated about a horizontal axis at a controlled speed for cell incubation purposes.



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Submitter for form 1449AFTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/045,665
				Filing Date	herewith
				First Named Inventor	Powell
				Group Art Unit	
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	511-019-2

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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 606. Draw line through citation if not in conformance and not considered. Include copy of this form with final communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WFO Standard 87.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WFO Standard 87.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

**Burdin Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20221.**

(Information Disclosure Statement by Applicant (PTO/SB/D&A) (1418A/PTO) (6-2) — page 1 of 1)